

ATTACHMENT 1

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AFFIRMING THE DECISION OF THE  
PLANNING DEPARTMENT HEARING OFFICER AND  
CONDITIONALLY APPROVING THE APPLICATION OF JOHN AVREA  
FOR MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT  
DRC2014-00005

The following resolution is now offered and read:

WHEREAS, on October 3, 2014, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered and conditionally approved the application of John Avrea for a Minor Use Permit / Coastal Development Permit DRC2014-00005; and

WHEREAS, Andre, Morris & Buttery has appealed the Hearing Officer's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors), on behalf of the appellants listed in the attachment to the appeal, pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

## ATTACHMENT 1

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 17, 2015, and determination and decision made on March 17, 2015; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed, and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That this project is found to be categorically exempt from the California Environmental Quality Act under the provisions of California Code of Regulations, title 14, section 15303 (class 3).
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by Andre, Morris & Buttery on behalf of the appellants is hereby denied and the decision of the Hearing Officer is affirmed, and that the application of John Avrea for Minor Use Permit / Coastal Development Permit

ATTACHMENT 1

DRC2014-00005 is hereby approved subject to the conditions of approval set forth in revised Exhibits B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: March 4, 2015

## ATTACHMENT 1

STATE OF CALIFORNIA,                     )  
  ) ss.  
County of San Luis Obispo,             )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of \_\_\_\_\_, 20\_\_.

County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

(SEAL)

By \_\_\_\_\_ Deputy Clerk.

## ATTACHMENT 1

### EXHIBIT A - FINDINGS

#### ***CEQA Exemption***

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because it is considered a conversion of the use of a small existing structure.

#### ***Minor Use Permit***

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed residential vacation rental does not generate activity that presents a potential threat to the surrounding property and buildings. The operational standards for vacation rentals as set forth in Coastal Zone Land Use Ordinance section 23.08.165 have been added as conditions to this project. Because these standards further limit parking requirements, number of occupants and the designation of a 24 hour property manager contact, potential impacts to surrounding property owners can be avoided. The proposed conditions of approval have routinely been added to other minor use permits for establishment of vacation rentals. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the existing residence will not change and, as conditioned, the residential vacation rental will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Valley View Lane and Star Court, and no additional traffic is associated with the project because it is using an existing approved residence as a residential vacation rental. Additionally, the proposed residential vacation rental will include a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway.

#### ***Coastal Access***

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not directly adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

## ATTACHMENT 1

### EXHIBIT B – REVISED CONDITIONS OF APPROVAL

#### **Authorized Use**

1. This permit authorizes a Minor Use Permit / Coastal Development Permit to allow the existing single residence to be used as residential vacation rental.

#### **Residential Vacation Rental Operational Conditions**

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or ten persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
5. Availability of the rental unit to the public shall not be advertised on site.
6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental

## ATTACHMENT 1

use that is audible from a distance of 50 feet from the property lines of the rental property.

9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
  - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
  - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.
10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).
12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
  - a. Failure to notify County staff when the contact person, or contact information, changes.
  - b. Violation of the residential vacation rental tenancy standards.
  - c. Violation of the residential vacation rental maximum occupancy, parking and

## ATTACHMENT 1

noise requirements.

- d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
- e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

### **On-going conditions of approval (valid for the life of the project)**

- 13. The land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval.
- 14. Any and all advertising for this vacation rental shall be consistent with these conditions of approval.
- 15. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.
- 16. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall indemnify the County for any court costs and attorney's fees which the County incurs or pays as a result of such action. The County's participation or non-participation in any such action shall not relieve the applicant of his obligation under this condition.